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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: W. Thomas Novak

Application No. 10/765,703

Filed: January 26, 2004

Confirmation No. 1405

For: ADAPTIVE-OPTICS ACTUATOR
ARRAYS AND METHODS FOR USING
SUCH ARRAYS

Examiner: Ricky D. Shafer

Art Unit: 2872

Attorney Reference No. 6500-65537-01

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent
for Applicant(s)Date Mailed July 28, 2005TRANSMITTAL LETTER

Enclosed is a Reply to Restriction for the above application. The fee has been calculated as shown below.

| CLAIMS AS AMENDED | | | | | | |
|--|---------------------|-------------------------|---------------|----------|---------|------------|
| For | No. after amendment | No. paid for previously | Present Extra | Rate | Fee | |
| Total Claims | 38 | - 93* | = 0 | \$50.00 | \$ 0.00 | |
| Indep. Claims | 7 | - 12** | = 0 | \$200.00 | \$ 0.00 | |
| Mult. Dep. Claims Fee (if not previously paid) | | | | | | \$360.00 |
| One-month Extension of Time | | | | | | \$120.00 |
| Two-month Extension of Time | | | | | | \$450.00 |
| Three-month Extension of Time | | | | | | \$1,020.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | | \$0.00 |

* greater of twenty or number for which fee has been paid.

** greater of three or number for which fee has been paid.

No additional fee is required.

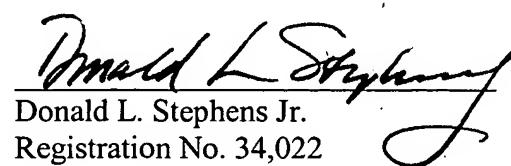
Please charge any additional fees that may be required in connection with filing this amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.

- If the Patent and Trademark Office determines that this amendment results in an additional application size fee for pages in excess of 100, please charge the fee to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Donald L. Stephens Jr.
Registration No. 34,022

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 228-9446
cc: Client
Docketing



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Attorney or Agent
for Applicant(s) Donald L. Stephen

Date Mailed July 28, 2005

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REPLY TO RESTRICTION

This paper is submitted in reply to the Restriction, dated June 29, 2005.

Applicant elects, with traverse, the claims directed to embodiments as shown in FIG. 3 and in which the force device is hydraulically actuated and the force device is hydraulically braked.

The claims encompassed by this election are the following:

claim 1 as well as dependent claims 2, 4-8, 10, 15, and 17;

claim 18 as well as dependent claims 19-26;

claim 39 as well as dependent claim 40;

claim 44 as well as dependent claims 45-46;

claim 47 as well as dependent claims 48-50, 57, and 59-61;

claim 77 as well as dependent claims 78-81; and

claim 84 as well as dependent claim 85.

It is believed that independent claims 1, 18, 39, 44, 47, 77, and 84 are generic.

The restriction is traversed because, in view of the various generic claims as indicated above in and in view of the number of claims as filed, the restriction on its face appears to be an

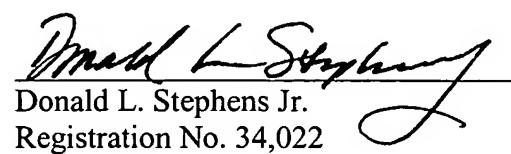
arbitrary attempt to reduce the number of claims being examined. The Restriction simply contends that the alleged species and subspecies are "patentably distinct," without any evidence or reasoning being offered to support the contentions.

Applicant reserves the right to have, if any generic claim is found allowable, all claims depending from the generic claim reinstated in the instant application.

Respectfully submitted,

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